

THE HONORABLE ROBERT S. LASNIK

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

TOMMY BROWN, individually and on behalf
of all other persons similarly situated;

Plaintiffs,

vs.

TRANSWORLD SYSTEMS, INC., et al.,

Defendants.

CASE NO. 2:20-cv-00680-RSL

**PLAINTIFF'S RESPONSE TO
PRAECIPE TO REPLY TO
DEFENDANT TRUSTS' AND US
BANK'S OPPOSITION TO
MOTION TO PROVIDE
AUTHORITY (ECF 79).**

NOTE FOR MOTION CALENDAR:

October 16, 2020

Plaintiff responds to the Defendant Trusts and US Bank's Praecipe to further support their opposition to Plaintiff's Motion to Provide Authority ("Praecipe"). ECF No. 79. Although Judge Zilly has ruled that US Bank and the Trusts have provided adequate evidence of their right to engage attorneys, the basis for the showing authority here is brought in the context of a motion for remand. *See* ECF No. 63. The Plaintiff here relies on his original motion and reply to the NCSLT Trusts at ECF No. 75.

Plaintiff raised the issue here not to ask for disqualification of counsel but to make sure the attorneys who removed this action on behalf of the Trusts were authorized to do so. Public records show from other actions that counsel acting on behalf of these same trusts has entered into settlement agreements and consent orders

without the proper authority. *See e.g. Consumer Financial Protection Bureau v. The Nat'l Collegiate Master Student Trust, et.al.*, No. 1:17-cv-01323, 2020 WL 2915759 at *6 (D. Del. May 31, 2020) ("CFPB Action")

Rather than find out later after years of litigation that the actions were improperly removed by the Trusts through an unauthorized counsel, Plaintiff simply raised it early in the context of his remand motion to avoid the result that occurred in the CFPB Action. Here, all we have before the Court are letters from attorneys relying on the Special Servicing Agreement and the Default Prevention and Collection Services Agreement. No document signed by a managing agent of the NCSLT Trusts has been presented to the Court and the Defendants have the burden to show the Court has proper jurisdiction.

Dated this 30th of November 2020.

/s/ Christina L Henry

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